

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Arthur Ellison

COMPLAINT

(Enter above the full name of the plaintiff in this action)

V.

N.J. State Prison Medical Dept, et al
Dr. Edith Sanyumba, MD, Susan-
Springler, LNC, Robin Miller, MD

(Enter the full name of the defendant of defendants in this action)

Civil Action No. _____
RECEIVED
(To be supplied by the Clerk of the Court)

JUL 27 2020

AT 8:30
WILLIAM T. WALSH
CLERK

INSTRUCTIONS; READ CAREFULLY.

1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
3. You must provide the full name of each defendant or defendants and where they can be found.
4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.
5. Upon receipt of a fee of \$400.00 (a filing fee of \$350.00, and an administrative fee of \$50.00), your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

6. If you cannot prepay the \$400.00 fee, you may request permission to proceed in forma pauperis in accordance with the procedures set forth in the application to proceed in forma pauperis. See 28 U.S.C. §1915. (If there is more than one plaintiff, each plaintiff must separately request permission to proceed in forma pauperis.)

7. If you are given permission to proceed in forma pauperis, the \$50.00 Administrative Fee will not be assessed. The Clerk will prepare and issue a copy of the summons for each defendant. The copies of summonses and the copies of the complaint which you have submitted will be forwarded by the Clerk to the United States Marshal, who is responsible for service. The Marshal has USM-285 forms you must complete so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

QUESTIONS TO BE ANSWERED

1a. Jurisdiction is asserted pursuant to (CHECK ONE)

☒ 42 U.S.C. §1983 (applies to state prisoners)

☐ Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

1b. Indicate whether you are a prisoner or other confined person as follows:

☐ Pretrial detainee

☐ Civilly-committed detainee

☐ Immigration detainee

☒ Convicted and sentenced state prisoner

☐ Convicted and sentenced federal prisoner

☐ Other: (please explain) _____

2. Previously Dismissed Federal Civil Actions or Appeals

If you are proceeding in forma pauperis, list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted. Please note that a prisoner who has on three or more prior occasions, while detained in any facility, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, will be denied in forma pauperis status unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

a. Parties to previous lawsuit:

Plaintiff(s): N/ADefendant(s): N/Ab. Court and docket number: N/A

c. Grounds for dismissal: () frivolous () malicious
() failure to state a claim upon which relief may be granted

d. Approximate date of filing lawsuit: N/Ae. Approximate date of disposition: N/A

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on separate sheets.

3. Place of Present Confinement? New Jersey State Prison

4. Parties

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional Plaintiffs, if any.)

a. Name of plaintiff: Arthur Ellison

Address: Second & Cass Streets P.O. Box 861 Trenton N.J.

Inmate #: SPN #426778 / SBT NO. 028034-B

b. First defendant:

Name: Susan Spangler

Official position: RNC

Place of employment: New Jersey State Prison Medical Dept

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

Ms Spangler misdiagnosed the rash that had appeared on my Buttocks region on January 23, 2015 for which I'm still suffering to this date from this misprognosis

c. Second defendant:

Name: Edith Senyumba, MD

Official position: MD. New Jersey State Prison Medical Dept

Place of employment: New Jersey State Prison Med. Dept

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

Dr. Senyumba, MD consistently misdiagnosed the rash that consistently plagued upon Buttocks. Dr. Senyumba, MD was informed that a dermatologist is needed and necessary to determine the cause of this rash, that has been going on now for (over 4) years

- d. If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.

Arthur Ellison 42 U.S.C. § 1983 Cont. from Page 4.

d. ~~name~~ Third Defendant:

Name: Robin Miller, MD

Official position: MD

Place of employment: New Jersey State Prison Medical Dept.

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

Explained to Dr. Miller that the Nystatin cream was not working, and that the rash on my Buttocks was worsening and that a dermatologist is needed at this time, for that after many different creams and Dr. visits throughout the years since 2015, the rash continues to spread, and the irritation is worsening, this was informed to Dr. Miller on Sick call on several occasions throughout the entire year of 2019, and now 2020. With no plan in sight to relieve me of my suffering in this matter.

5. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page 6.

☒ Yes ☐ No

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results.

Wrote to the medical Dept in regarding me being put on the list to see a Dermatologist regarding my itching rash on my Buttocks and was informed that there is no Dermatologist referral from the medical Dept.

If your answer is "No," briefly explain why administrative remedies were not exhausted.

6. Statement of Claims

(State here as briefly as possible the facts of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach a separate sheet if necessary.)

On January 23, 2015 plaintiff spoke to RNC Susan Spangler during sick call. And informed Ms. Spangler that a Rash has surfaced on my Buttocks.

On January 24, 2015 Plaintiff was seen by RN Lorne C. Camper. On sick call and was prescribed Anthrogenic Plus 0.025-10-15% Cream. for Rash.

On January 13, 2016, after approximately (1) one year using several types of creams for rash on Buttocks, Provider Joy Camarillo, APRN prescribed plaintiff NON formulary Ketoconazole 2% Cream

On March 10, 2016 plaintiff was again seen by RN, Lance C. Conyer, relating to the rash on plaintiff Buttocks that beginning to spread, plaintiff was prescribed again skin cream, this time Hydrocortin Cream to apply to rash area for 180 days.

On March 14, 2016 ^{plaintiff} spoke with Provider Joy Camarillo APRN on follow up on rash irritation on Buttocks and to inform that the itching is getting worse and this is causing sleepless nights. ~~Refused~~ See a Dermatologist. Prescribed Nystatin-Triamcinolone 100000-0.1 Unit/gm% ~~ointment~~ OINT. apply for 180 days.

On April 10, 2017 plaintiff was seen by Provider Inaish Jackson, APRN New Jersey State Prison for rash on buttocks, and again plaintiff asks to be seen by a Dermatologist for the spreading rash on buttocks.

On December 6, 2017 plaintiff was seen by Provider Geetha Arishikesan, MD New Jersey State Prison. Plaintiff complained of rash on buttocks for the past three (3) years with numerous of DR. Visits and a abundance of creams prescribed, such as Antifungal and combination of Antifungal and steroid cream. Nystatin (cont.)

7.

Relief

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

plaintiff request Monetary damages, in the amount of \$500,000.00 U.S. Currency (Five Hundred Thousand)

Arthur Allison,
ment of Claims

42 U.S.C. § 1983 Cont. from Page #6. State-

Cont: 6. - Tramicinoline, Ketoconazole, Clotrimazole, ~~Tr~~ and Clindamycin. None of these creams seem to of worked.

After years and months of suffering from the continued mis diagnosing of the irritating rash on plaintiff Buttocks, and no relief in sight. Plaintiff attempted to seek out a provider that would at the very least recommend a Dermatologist visit.

On January 3, 2018 plaintiff was seen by provider Geetha Hrishikesan, MD regarding the irritating rash on buttocks, and also that the Tramicinoline Cream did not work after applying it to the rash area for four weeks, Requested to see a Dermatologist

On March 18, 2018, plaintiff was seen again by provider Susan Spangler, PNC, in which plaintiff had seen back in the year 2015. Plaintiff complained of the misdiagnosis and the abundance of dermatology creams that had no relief long term, and that this has been going on for 3 1/2 years to the date, It was clear a specialist is needed, At this time plaintiff was using KUCERN Cream that was prescribed to plaintiff for 365 days.

On August 3, 2018 plaintiff was seen again by provider Edith Senyumba, MD and again complained of the irritating rash on buttocks, during chronic care visit, and informed Dr. Senyumba that the Creams prescribed in the past has not worked. Other than a couple of times, plaintiff was relieved from the itching, and that a Dermatologist is needed to figure out what exactly is this rash formulating from. NO Dermatologist was ordered at this time.

On September 22, 2018, and after numerous requests plaintiff was seen by ~~Dr. Lindsay~~ Lindsay Pettorini, RN and plaintiff informed that the itching and irritation has not subsided and requested more prescribed anti itching cream.

Arthur Ellison
Statement of Claims.

42 U.S.C. § 1983 Cont. of page 6 of -

On September 25, 2018, Plaintiff was seen by provider Inaish Jackson, APN. and requested renewal of skin creams.

On March 4, 2019 Plaintiff was seen by provider Rodin Miller, MD during chronic care, plaintiff expressed his concerns relating to the rash on plaintiff buttocks that has existed and worsened since the year of 2015, and requested to be seen by a Dermatologist.

On March 26, 2019 Plaintiff was again seen by provider Rodin Miller, MD regarding the rash on plaintiff buttocks and to inform that the medication Nystatin was not working but informed that Lamisil 1% was of good use to relieve of all the itching and irritations. NO Dermatologist was ordered or recommended at that time.

After months and years of complaining about the rash on buttocks, and the use of many different types of creams, and skin care lotions, and have very little or no results after use.

On June 5, 2020 during a sick call visit with the provider Paulo Verdeflor, NP, Central Reception Assignment facility, plaintiff informed that the rash has become somewhat unbearable at this time, plaintiff explained to this RN that he has been dealing with this issue since the year of 2015 with no visits with any kind of specialists no Dermatologist visits whatsoever, when it was clear there is something wrong. At this time I'm mentally all messed up, for that this rash could be possibly cancerous, these are my concerns, so plaintiff not only suffering physically, but mentally as well.

Plaintiff seeks five Hundred thousand in
U.S. currency (\$500,000) for pain and
suffering.

plaintiff request five Hundred thousand (\$500,000)
in U.S. currency for mental and physical
suffering.

Plaintiff request that all medical personnel at
New Jersey State Prison be revised.

8. Do you request a jury or non-jury trial? (Check only one)

☒ Jury Trial () Non-Jury Trial

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 6 day of July, 2020

Arthur Lee Ellison Jr.

Signature of plaintiff*

(*EACH PLAINTIFF NAMED IN THE COMPLAINT MUST SIGN THE COMPLAINT
HERE. ADD ADDITIONAL LINES IF THERE IS MORE THAN ONE PLAINTIFF.
REMEMBER, EACH PLAINTIFF MUST SIGN THE COMPLAINT).